

COMBINED DECLARATION AND POWER OF ATTORNEY
(Original, Design, National Stage of PCT
or CIP Application)

ATTORNEY'S DOCKET NO.
26858

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONSTRAINED ACETABULAR INSERT FOR TOTAL HIP ARTHROPLASTY

the specification of which: (complete (a), (b) or (c) for type of application)

REGULAR OR DESIGN APPLICATION

- (a) ☒ is attached hereto.
(b) ☐ was filed on as Application Serial No. _____ and was amended on _____ (if applicable).

PCT FILED APPLICATION ENTERING NATIONAL PHASE

- (c) ☐ was described and claimed in International Application No. _____ filed _____ and as amended on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:
(complete (d) or (e))

- (d) ☒ no such applications have been filed.
(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS PRIOR TO SAID APPLICATION				
Country	Application No.	Date of Filing	Date of Issue	Priority Claimed
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS PRIOR TO SAID APPLICATION				

PROVISIONAL

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States application(s) listed below:

No.	Filing Date	Status (patented, pending, abandoned)	Application Serial
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CONTINUATION-IN-PART

(Complete This Part Only If This Is A Continuation-In-Part Application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a), which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application:

No.	Filing Date	Status (patented, pending, abandoned)	Application Serial
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POWER OF ATTORNEY


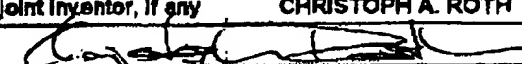
As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Robert D. Hovey	18,223	Thomas H. Van Hoozer	32,781
Warren N. Williams	19,158	Thomas B. Luebbeling	37,874
Stephen D. Timmons	28,513	Kyle L. Elliott	39,485
John M. Collins	29,282	Andrew G. Colombo	40,565
Steven R. Dickey	32,127	Tracy L. Berman	42,347

SEND CORRESPONDENCE TO:
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DIRECT TELEPHONE CALLS TO:
(816) 474-8050

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor		DAVID A. McQUEEN	
Inventor's Signature 			
Date	1/29/99	Country of Citizenship	USA
Residence	4100 E. 53rd Circle Drive, Kechi, KS 67067		
Post Office Address	4100 E. 53rd Circle Drive, Kechi, KS 67067		
Full name of second joint inventor, if any		CHRISTOPH A. ROTH	
Inventor's Signature 			
Date	1/29/1999	Country of Citizenship	Germany
Residence	469 W. 9th Street, Wichita, KS 67203		
Post Office Address	469 W. 9th Street, Wichita, KS 67203		

02862200

Applicant or Patentee: DAVID A. McQUEEN, et al.	Attorney's Docket No.: 26858
Serial or Patent No.:	
Filed or issued:	
For: CONSTRAINED ACETABULAR INSERT FOR TOTAL HIP ARTHROPLASTY	

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Orthopaedic Research Institute, Inc.

ADDRESS OF ORGANIZATION: 929 N. St. Francis, Wichita, KS 67214

TYPE OF ORGANIZATION:

- ☐ University or other institution of Higher Education
- ☒ Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational Under the Statute of State of the United States of America;
- Name of State _____, Citation of Statute _____
- ☐ Would qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America
- ☐ Would qualify as Nonprofit Scientific or Educational under Statute of the United States of America if located in the United States of America; Name of State _____, Citation of Statute _____

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled CONSTRAINED ACETABULAR INSERT FOR TOTAL HIP ARTHROPLASTY by inventor(s) DAVID A. McQUEEN and CHRISTOPH A. ROTH described in

<input checked="" type="checkbox"/> the specification filed herewith
<input type="checkbox"/> application serial no. , filed
<input type="checkbox"/> patent no. , issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(e) if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.29(h)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therefrom, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: FRANCIS W. COOKE	
TITLE OF PERSON OTHER THAN OWNER: VICE PRESIDENT	
ADDRESS OF PERSON SIGNING 13910 SPRINGVALLEY WICHITA KS 67230	
SIGNATURE Francis W. Cooke	DATE 29 Jan 99